

a statement of what these people said; that is, that there might be some opinion or some recommendation in it. Your assurance went this far, that that is not the intention, but you cannot tell how it will work in practice. I suppose that if there is anything incorporated in the report that smacks of comment or opinion you, as minister, will insist on having it struck out.

**Honourable John N. Turner, Minister of Justice:** Mr. Chairman and senators, first of all, I want to thank you for your courtesy in inviting me to explain my and the Government's position on the bill with respect to the amendments that were put informally before your committee.

I suppose, Mr. Chairman, that one of the reasons why I can be a little freer in dealing with the minister's position is that within the terms of the bill I am not the minister; it is the Minister of Public Works. I am assured that the Minister of Public Works is willing to contemplate a hearing in as wide terms as possible, not only as to the merits of the expropriation or the property expropriated, but also the policy behind the expropriation itself. For this reason we do not limit the parties who may appear at the hearing to those having an interest in the property, either real, personal or leasehold. Conceivably, municipal planning boards, regional planning boards, or even provincial boards or communities could appear to object to the policy of the minister's expropriation. The duty of the hearing officer, as nearly as you have put it, is to act as his ear and to report those objections to him—the nature and grounds of the objections—and then it will be up to the Minister of Public Works to decide, in the light of those objections, whether to proceed with the expropriation. That will be an administrative decision for which he will be held accountable to his colleagues in the Government and to Parliament. That being so, and since the hearing officer himself takes no position, we felt that the Minister of Public Works could risk the lack of protection you wanted to give him.

**Senator Hayden:** As Minister of Justice, are you satisfied that the use of the word "report" without any qualification is such, in the connotation in which it is used, that it only embodies a statement of the representations which have been made.

**Hon. Mr. Turner:** I believe I can say that in the way it is drafted, and the instructions we give to hearing officers will be so phrased.

**Senator Hayden:** Mr. Minister, when you in the House of Commons refer a bill to a committee, you ask the committee to examine and report on it. What is the connotation of "report" there?

**Hon. Mr. Turner:** Of course, the words here, Mr. Chairman, are "report in writing on the nature and grounds of the objections made". There is nothing about his recommendations or his assessment.

**Senator Hayden:** Of course, there is nothing in the reference to the committee, but in the report you sometimes get recommendations.

**Hon. Mr. Turner:** I suppose it is conceivable that the odd hearing officer may trespass beyond his terms of reference.

**Senator Hayden:** Who is going to regulate and discipline him.

**Hon. Mr. Turner:** I think it might be pointed out to him that he has exceeded his terms of reference, but in any event the minister is not bound by any recommendations which he may choose to make, because that is not within his terms of reference.

**Senator Hayden:** I can see, if he did step out of line, that it might in some way reflect without any foundation on the minister and on the policy decision.

**Hon. Mr. Turner:** Conceivably.

**Senator Hayden:** I did not think that an administrative official should be empowered to pass on a question of policy. But if you do not want it, I am not going to press it.

**Hon. Mr. Turner:** Our view is that the minister has sufficient protection here.

**Senator Flynn:** The report would not be binding on the minister.

**Hon. Mr. Turner:** The report is not binding in any event.

**Senator Croll:** What is the third one, Mr. Chairman?

**The Acting Chairman:** We are down to the third point which was suggested by Senator Flynn which, at the request of this committee, has been reduced to a formal amendment, a copy of which I have given to Senator Flynn. The senator's first reaction is, Mr. Munro, that we may not have quite covered his point in full. Would you be good enough to speak to this, senator?